



0-906-A

OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. V. C. Marshall, Chairman
Texas Soil Conservation Board
P. O. Box 191
Temple, Texas

Dear Sir:

Opinion No. 0-906A

Re: Supplement to Opinion No. 0-906

Upon re-examination of our opinion No. 0-906, addressed to you under date of July 19, 1939, in response to the request contained in your letter of June 15, 1939, we find that the language of the two full paragraphs on page 4 thereof is too broad. We desire to amend such paragraphs so that they will read as follows:

"The moneys of this contingent fund are to be used for purposes for which the Legislature made no specific itemized provision. No part of it can be used for supplementing the funds appropriated for specific items for which express provision was definitely made by the Legislature. Where definite sums are appropriated for specific purposes, moneys in a contingent fund are not available for expenditure in connection with these specific purposes, in the absence of an expression by the Legislature of a contrary intent. A "contingent" fund in itself ordinarily implies unpredictable items of cost and expense. Where the Legislature has foreseen various expenses and provided for them definitely, funds provided for "contingent expense" cannot be used to supplement expenditures for items for which the Legislature made definite and specific provision. Unless the context requires a contrary interpretation, a contingent fund is not available to supplement enumerated expenditures for which specific provision has been made. And we find in this particular bill no evidence that the Legislature intended the term "contingent expenses" in any other than its ordinary and usual significance.

Answering your first question, it is our opinion that in the event any of the funds set forth in Section 14a

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for specific purposes are exhausted, the State Soil Conservation Board is without power or authority to spend contingent funds to supplement said items, the contingent moneys going not to supplement enumerated items or purposes for which specific provision has been made by the Legislature, but to take care of items of expense for which provision has not been made by the Legislature."

With the substitution of the above for the two paragraphs mentioned, the original opinion stands as written.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

R. W. Fairchild

R. W. Fairchild
Assistant

RWF:pbp

APPROVED AUG 31, 1939

Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

